

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 96 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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CHANDRAKANT BULAKHIDAS PATEL

Versus

SHANTABEN WD/O DAHYABHAI KHATRI  
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Appearance:

MR JD AJMERA for Petitioner

MR KV SHELAT for Respondent Nos.1,2,3,4,5,6 & 7  
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CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 31/08/2000

ORAL JUDGEMENT

The petitioner-original defendant No.1-tenant has preferred this Civil Revision Application against the judgment and order dated 5-1-95, passed by the learned 5th Extra Assistant Judge, Vadodara, below Exh.16 in Civil Appeal No.263/86. The said application Exh.16 was

filed by the respondents-original landlord under Order 6 Rule 17 of the Code of Civil Procedure praying amendment in the suit on the ground that the petitioner-tenant has acquired suitable premises. The learned 5th Extra Assistant Judge, vide his order dated 5-1-95 allowed the said application Exh.16 and directed the trial Judge to record the evidence which the parties may lead in view of granting of amendment. The learned 5th Extra Assistant Judge further decided not to give findings on that additional evidence. Against the aforesaid order, the petitioner-original defendant No.1 has filed this Civil Revision Application.

2. I have heard learned advocates appearing for the respective parties at length. The fact remains that this Civil Revision Application has been preferred by the petitioner against the interlocutory order whereby the amendment application is allowed. It may be noted that while granting the amendment application, the rights of the present petitioner-original tenant have not been taken away by the Court below and in view thereof, I do not find any illegality or jurisdictional error in the order passed by the learned 5th Extra Assistant Judge. Therefore, this Civil Revision Application is required to be rejected.

3. For the foregoing reasons, this Civil Revision Application is rejected with the observation that both the parties are at liberty to raise the contentions as raised in this petition and other possible legal contentions before the Court below. Rule discharged. Interim relief stands vacated. No order as to costs.

( R.P.Dholakia, J.)

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